

Electronic Acknowledgement Receipt

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| EFS ID: | 4489725 |
| Application Number: | 10516705 |
| International Application Number: | |
| Confirmation Number: | 1003 |
| Title of Invention: | Mutant androgen receptor, cancer cells expressing the same, a method of producing them and use thereof |
| First Named Inventor/Applicant Name: | Takahito Hara |
| Customer Number: | 21874 |
| Filer: | Colleen Joy McKiernan |
| Filer Authorized By: | |
| Attorney Docket Number: | 3056 US0P |
| Receipt Date: | 19-DEC-2008 |
| Filing Date: | 02-DEC-2004 |
| Time Stamp: | 10:55:41 |
| Application Type: | U.S. National Stage under 35 USC 371 |

Payment information:

| | |
|--|-----------------|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | \$810 |
| RAM confirmation Number | 8706 |
| Deposit Account | 041105 |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|---|------------------|--|------------------|------------------|
| 1 | Request for Continued Examination (RCE) | 12192008_rce.pdf | 29134 | no | 1 |
| | | | 1971616c7d74755ab64638ecec43ba9884e190fa | | |

Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

| | | | | | |
|---|-----------------------|-------------------|--|----|----|
| 2 | Amendment After Final | 12192008_resp.pdf | 80694 | no | 14 |
| | | | 91e6e87554a29651e86959dcb205129d449d0aa2 | | |

Warnings:

Information:

| | | | | | |
|---|------------------------|--------------|--|----|---|
| 3 | Fee Worksheet (PTO-06) | fee-info.pdf | 30198 | no | 2 |
| | | | 20c2d365de1b46efc866a50f1465fe409b940cab | | |

Warnings:

Information:

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|------------------------------|--|--|--------|
| Total Files Size (in bytes): | | | 140026 |
|------------------------------|--|--|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 01/09/2009

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|----------|------|-----------|--------------|------------|--------|----------|
| GDUCKETT | SALE | #00000001 | Mailroom Dt: | 12/19/2008 | 041105 | 10516705 |
| | | 01 | FC : 1255 | 2,350.00 | DA | |
| | | 02 | FC : 1202 | 52.00 | DA | |




UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/516,705 | 12/02/2004 | Takahito Hara | 3056 USOP | 1003 |
| 21874 7590 11/25/2008 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205 | | | EXAMINER BRISTOL, LYNN ANNE | |
| | | | ART UNIT 1643 | PAPER NUMBER |
| | | | MAIL DATE 11/25/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|--|--|--|
| Application Number  | Application/Control No. 10/516,705 LARRY R. HELMS | Applicant(s)/Patent under Reexamination HARA ET AL. Art Unit 1643 |
| Document Code - AP.PRE.DEC | | |

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 5/21/08.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 12, 71, 72, 74-76.

Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.


4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) LARRY R. HELMS.

(2) Julie Burke.

(3) Lynn Bristol.


LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 27, 2009

Electronic Signature for Colleen McKiernan, Ph.D.: /Colleen McKiernan, Ph.D./

Docket No.: 68138(46590)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takahito Hara et al.

Application No.: 10/516,705

Confirmation No.: 1003

Filed: December 2, 2004

Art Unit: 1643

For: MUTANT ANDROGEN RECEPTOR,
CANCER CELLS EXPRESSING THE SAME,
A METHOD OF PRODUCING THEM AND
USE THEREOF

Examiner: L. A. Bristol

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests a refund of \$2402.00 with respect to Deposit Account No. 04-1105 on January 9, 2009 for the above identified application. The charges on January 9, 2009 represent a charge for an extension of time for a timely filed response. Further, the application presently includes only 8 claims under examination. Therefore, a fee for claims in excess of 20 should not have been charged.

The charges of January 9, 2009 in the case are set forth in the table below:

| Fee Code | Amount |
|----------|-----------|
| 1255 | \$2350.00 |
| 1202 | \$52.00 |

The relevant documents are provided herewith. The relevant dates are provided below.

A pre-Appeal Brief Request for Review was filed in the above named case on May 21, 2008 with a Notice of Appeal.

A Notice of Panel Decision from Pre-Appeal Brief Review was mailed to Applicant on November 25, 2008. At point 2, the Notice set forth the following deadlines for timely response.

Applicant is required to submit an appeal brief in accordance with 37 C.F.R. 41.37. The time period for filing an appeal brief will be reset *to one month from mailing this decision*, or the balance of the two-month time period running from the receipt of the Notice of Appeal, whichever is greater. (emphasis added)

Applicant filed a response to the Notice on December 19, 2008, within one month of the of the mailing date of the decision. Therefore, the response was timely filed and no fee for an extension for time for reply should be assessed in the case.

Applicant believes that the amount charged to Deposit Account No. 04-1105 in the amount of \$2402.00 on January 9, 2009 is an incorrect charge and a refund is requested.

Dated: January 27, 2009

Respectfully submitted,

By /Colleen McKiernan, Ph.D./
Colleen McKiernan, Ph.D.
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